



# INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

*We Protect Hoosiers and Our Environment.*

100 N. Senate Avenue • Indianapolis, IN 46204

(800) 451-6027 • (317) 232-8603 • [www.idem.IN.gov](http://www.idem.IN.gov)

Eric J. Holcomb  
Governor

Bruno Pigott  
Commissioner

February 17, 2017

## VIA ELECTRONIC MAIL

Mr. Jeffrey Olyphant  
Peabody Midwest Mining, LLC  
566 Dickeyville Road  
Lynnville, Indiana 47619

Dear Mr. Olyphant:

Re: Modification Request for  
NPDES General Permit No. ING040134  
IDNR Permit No. U-016  
Peabody Midwest Mining LLC –  
Air Quality Mine Hart Street South Portal  
5337 South Hart Street  
Vincennes, Indiana  
Knox County

Your NPDES permit Notice of Intent letter received on December 22, 2016, requesting modification of the above-referenced general permit coverage, has been reviewed. The materials request the following change to your coverage:

Existing outfall 001 (latitude 38°, 35', 46.3", longitude -87°, 24', 8.1", discharging to an unnamed tributary to Upper River Deshee) is to be **changed to Post Mining mine drainage status.**

We have reviewed the NOI and have determined that the mining activities associated with the request are not the result of any new or expanded permitted mining operations. Mining activity is a process of sequential coal removal and reclamation and as mining progresses and reclamation follows these activities will not result in any anticipated discharges to a receiving stream. We have determined that there will not be a new or increased loading of pollutants into the receiving stream(s), therefore the approval of this modification of coverage is in compliance with the antidegradation standards at 327 IAC 2-1.3.

The request has been processed in accordance with Section 402 and 405 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, et seq.), and IDEM's permitting authority under IC 13-15. We have been in contact with representatives of the IDNR in Jasonville, Indiana who have confirmed that the drainage area reporting to Outfall 001 has been fully reclaimed and is well vegetated. They concur, as does our office, that this request may therefore be granted. Coverage for the facility will now include all outfalls listed on the first table of Attachment 1 to this correspondence.

The NPDES general permit coverage number assigned to this facility in the previous approval will continue to apply. Reporting is to be done using the federal Discharge Monitoring Report (DMR) form and the state Monthly Monitoring Report (MMR) form. The MMR form can be found on the internet at <http://www.in.gov/idem/cleanwater/2396.htm>. Both the state and



A State that Works

Mr. Jeffrey Olyphant  
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federal forms need to be completed and submitted on a routine basis. Please note that IDEM will no longer accept paper DMR or MMR forms. All NPDES permit holders are required to submit their monitoring data to IDEM using NetDMR. Please contact Helen Demmings at (317) 232-8815 if you would like more information on NetDMR. Information is also available on our website at <http://IN.gov/idem/cleanwater/2422.htm>

Due to quarterly reporting requirements this modification shall become effective on **April 1, 2017**, unless a person aggrieved or adversely affected by the acceptance appeals this decision. Coverage under 327 IAC 15-7 for all remaining outfalls remains effective, and will expire on **March 31, 2021**. In order to receive authorization to discharge beyond the date of expiration, the permittee shall submit such information and forms as required by the Indiana Department of Environmental Management no later than ninety (90) days prior to the date of expiration.

Please note that IDEM shall serve notice of its decision to accept your facility for coverage under the general permit in accordance with the requirements of 327 IAC 5-3-14. It should also be noted that any appeal must be filed under procedures outlined in IC 13-15-6, IC 4-21.5, and the enclosed Public Notice. The appeal must be initiated by filing a petition for administrative review with the Office of Environmental Adjudication (OEA) within fifteen (15) days of the emailing of an electronic copy of this letter or within eighteen (18) days of the mailing of this letter. A copy must also be served upon IDEM. Addresses are:

Director  
Office of Environmental Adjudication  
Indiana Government Center North  
Room 501  
100 North Senate Avenue  
Indianapolis, IN 46204

Commissioner  
Indiana Department of Environmental Management  
Indiana Government Center North  
Room 1301  
100 North Senate Avenue  
Indianapolis, IN 46204

The Office of Environmental Adjudication will provide parties who request review of this approval with notice of prehearing conferences, preliminary hearings, hearing, and stays or orders disposing of all proceedings. Nonparties may receive such notices without intervening and formally becoming parties in the proceeding by requesting copies of such notices from the Office of Environmental Adjudication.

If you have any questions regarding this letter, please contact Ms. Sheri L. Jordan of our office at (317) 232-8703.

Sincerely,



Catherine Hess, Chief  
Permits Administration Section  
Office of Water Quality

Slj/

Attachment

cc: Knox County Health Department  
Mr. Andrew Nelson- Peabody Midwest Mining LLC  
Mr. Todd Huff- IDNR

## ATTACHMENT 1

**Peabody Midwest Mining, LLC-**  
**Air Quality Mine Hart Street South Portal**

NPDES PERMIT NO. ING040134IDNR PERMIT NO. U-016EFFECTIVE DATE: **April 1, 2017**

## OUTFALLS PERMITTED FOR THIS FACILITY

OUTFALL	DNR BASIN	LATITUDE	LONGITUDE	MINE DRAINAGE STATUS	RECEIVING WATER
<b><u>001</u></b>	U-016 001	38°, 35', 46.3"	-87°, 25', 8.1"	<b><u>Post-Mining</u></b>	Unnamed tributary to Upper River Deshee
004	U-016 R-3	38°, 36', 38"	-87°, 24', 33"	Alkaline	Unnamed tributary to Upper River Deshee
006	U-016 002A	38°, 36', 25"	-87°, 25', 10"	Alkaline	Unnamed tributary to Upper River Deshee
007	U-016 002D	38°, 36', 4.2"	-87°, 25', 7.4"	Alkaline	Unnamed tributary to Upper River Deshee

The following outfalls have been removed and are no longer covered under this permit:

002	U-016 002	38°, 36', 10.9"	-87°, 25', 1.4"	Alkaline	Unnamed tributary to Upper River Deshee
005	U-016 005	38°, 36', 51.7"	-87°, 24', 33.7"	Fully reclaimed	Unnamed tributary to Upper River Deshee

**STATE OF INDIANA  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

**PUBLIC NOTICE NO. 2017 – 2D -GP**

**DATE OF NOTICE: February 17, 2017**

The Office of Water Quality approves the following for NPDES GENERAL PERMIT coverage.

**MODIFICATION**

**PEABODY MIDWEST MINING, LLC – AIR QUALITY HART ST. SOUTH PORTAL**, Permit No. ING040134, KNOX COUNTY, Vincennes, IN. This modification is being issued because the facility is changing mine drainage status on 1 outfall that will discharge to Upper River Deshee. The Notice of Intent (NOI) letter submitted complies with the requirements in 327 IAC 15-7, Facilities Engaged in Mining of Coal, Coal Processing and Reclamation Activities. Permit Writer: Sheri Jordan at 317/232-8703.

**Notice of Right to Administrative Review**

If you wish to challenge this permit, you must file a Petition for Administrative Review with the Office of Environmental Adjudication (OEA), and serve a copy of the petition upon IDEM. The requirements for filing a Petition for Administrative Review are found in IC 4-21.5-3-7, IC 13-15-6-1 and 315 IAC 1-3-2. A summary of the requirements of these laws is provided below.

A Petition for Administrative Review must be filed with the Office of Environmental Adjudication (OEA) within fifteen (15) days of the issuance of this notice (eighteen (18) days if you received this notice by U.S. Mail), and a copy must be served upon IDEM. Addresses are:

Director  
Office of Environmental Adjudication  
Indiana Government Center North  
Room 501  
100 North Senate Avenue  
Indianapolis, Indiana 46204

Commissioner  
Indiana Department of Environmental Management  
Indiana Government Center North  
Room 1301  
100 North Senate Avenue  
Indianapolis, Indiana 46204

The petition must contain the following information:

1. The name, address and telephone number of each petitioner.
2. A description of each petitioner's interest in the permit.
3. A statement of facts demonstrating that each petitioner is:
  - a. a person to whom the order is directed;
  - b. aggrieved or adversely affected by the permit; or
  - c. entitled to administrative review under any law.
4. The reasons for the request for administrative review.
5. The particular legal issues proposed for review.
6. The alleged environmental concerns or technical deficiencies of the permit.
7. The permit terms and conditions that the petitioner believes would be appropriate and would comply with the law.
8. The identity of any persons represented by the petitioner.
9. The identity of the person against whom administrative review is sought.
10. A copy of the permit that is the basis of the petition.
11. A statement identifying petitioner's attorney or other representative, if any.

Failure to meet the requirements of the law with respect to a Petition for Administrative Review may result in a waiver of your right to seek administrative review of the permit. Examples are:

1. Failure to file a Petition by the applicable deadline;
2. Failure to serve a copy of the Petition upon IDEM when it is filed; or
3. Failure to include the information required by law.

If you seek to have a permit stayed during the administrative review, you may need to file a Petition for a Stay of Effectiveness. The specific requirements for such a Petition can be found in 315 IAC 1-3-2 and 315 IAC 1-3-2.1.

Pursuant to IC 4-21.5-3-17, OEA will provide all parties with notice of any pre-hearing conferences, preliminary hearings, hearings, stays, or orders disposing of the review of this action. If you are entitled to notice under IC 4-21.5-3-5(b) and would like to obtain notices of any pre-hearing conferences, preliminary hearings, hearings, stays, or orders disposing of the review of this action without intervening in the proceeding you must submit a written request to OEA at the address above.

If you have procedural or scheduling questions regarding your Petition for Administrative Review you may contact the Office of Environmental Adjudication at (317) 232-8591 or see OEA's website at <http://www.in.gov/oea>.



Indiana Department of Environmental Management  
NPDES General Permit Notice of Intent (NOI) Letter Submittal Application  
327 IAC 15-7 Facilities Engaging in Mining of Coal, Coal Processing and  
Reclamation Activities

<b>I. PURPOSE OF SUBMITTAL:</b>				12/19/2016
Please check one box. Also provide existing permit number and reason for modification if applicable. You may attach additional sheets if they are needed.				
NEW	RENEW	MODIFY	EXISTING PERMIT NO.	IF MODIFICATION WHAT IS CHANGING
		<b>X</b>	<b>ING040134</b>	Outfall 001 drainage status changed from alkaline to reclamation

<b>II. GENERAL INFORMATION</b>										
Complete all boxes in sections a and b for name of company and person who is to receive the permit. Complete boxes in sections c, d, e, f, g, h, and i or fill in N/A for non-applicable as they apply for the facility that the permit is to apply to.										
a. APPLICANT NAME (TO THE ATTENTION OF)				e. FACILITY SIC CODE		f. FACILITY COUNTY		g. DNR FACILITY NUMBER		
Peabody Midwest Mining, LLC. Attn: Jeffrey Olyphant				1211		Knox		U-00016		
b. APPLICANT'S COMPANY AND COMPLETE MAILING ADDRESS				h. LATITUDE AND LONGITUDE OF APPROXIMATE FACILITY CENTER						
COMPANY NAME Peabody Midwest Mining, LLC.				Latitude			Longitude			
STREET ADDRESS 566 Dickeyville Rd				Degrees	minutes	seconds	degrees	minutes	seconds	
CITY Lynnville	STATE IN	ZIP CODE 47619		38	36	25	87	25	10	
c. FACILITY NAME				i. FACILITY TOWNSHIP, RANGE, SECTION, QUARTER SECTION						
Peabody Midwest Mining, LLC. Air Quality Mine – Hart Street South Portal				Township		Range		Section		Quartersection
				2N		9W				
d. FACILITY MAILING ADDRESS				j. FACILITY PHYSICAL LOCATION IF DIFFERENT FROM IId						
STREET ADDRESS 5337 South Hart St. Road				STREET ADDRESS N/A						
CITY Vincennes	STATE IN	ZIP CODE 47591		CITY N/A		STATE N/A		ZIP CODE N/A		

<b>III. CONTACT INFORMATION AUTHORIZED SIGNATORY</b>	
This section applies to the responsible corporate officer and/or alternate person who is authorized in writing by the responsible corporate officer to carry signatory responsibilities for the facility under 327 IAC 15-4-3 (g). Please complete all boxes or mark N/A for non-applicable. If the signatory is not a corporate officer please also submit the letter from the responsible corporate officer granting him/her this authority.	
a. APPLICANT SIGNATORY CONTACT PERSON AND TITLE	d. ALTERNATE PERSON TO ANSWER QUESTIONS
Jeffrey Olyphant, <i>Authorized Representative</i>	Andy Nelson, <i>Authorized Representative</i>
b. APPLICANT SIGNATORY CONTACT PERSON TELEPHONE	e. ALTERNATE PERSON'S TELEPHONE
(812) 922-1047	(812) 922-1045
c. APPLICANT EMAIL ADDRESS	f. ALTERNATE PERSON'S EMAIL ADDRESS
jolyphant@peabodyenergy.com	anelson@peabodyenergy.com

IV. CONTACT INFORMATION OTHER:			
DISCHARGE MONITORING REPORTS CONTACT AND MAILING INFORMATION		c. <u>CONTACT AND COMPANY NAME</u> Jeffrey Olyphant Peabody Midwest Mining, LLC.	
a. <u>CONTACT TELEPHONE NUMBER</u> (812) 922-1047		d. <u>STREET ADDRESS</u> 566 Dickeyville Rd	
b. <u>CONTACT EMAIL ADDRESS</u> jolyphant@peabodyenergy.com		e. <u>CITY</u> Lynnville	f. <u>STATE</u> IN g. <u>ZIP CODE</u> 47619
ANNUAL FEE AND FINANCIAL CONTACT AND BILLING ADDRESS		j. <u>COMPANY AND CONTACT PERSON NAME</u> Jeffrey Olyphant Peabody Midwest Mining, LLC.	
h. <u>CONTACT TELEPHONE NUMBER</u> (812) 922-1047		k. <u>STREET ADDRESS</u> 566 Dickeyville Rd	
i. <u>CONTACT EMAIL ADDRESS</u> jolyphant@peabodyenergy.com		l. <u>CITY</u> Lynnville	m. <u>STATE</u> IN n. <u>ZIP CODE</u> 47619
OTHER CONTACT AND MAILING INFORMATION (SPECIFY BELOW)		q. <u>COMPANY AND CONTACT PERSON NAME</u> Andy Nelson Peabody Midwest Mining, LLC.	
o. <u>CONTACT TELEPHONE NUMBER</u> (812) 922-1045		r. <u>STREET ADDRESS</u> 566 Dickeyville Rd	
p. <u>CONTACT EMAIL ADDRESS</u> anelson@peabodyenergy.com		s. <u>CITY</u> Lynnville	t. <u>STATE</u> IN u. <u>ZIP CODE</u> 47619

V. RULE QUALIFICATION:
The purpose of this rule is to regulate wastewater discharges from surface mining, underground mining, and reclamation projects which utilize sedimentation basin treatment for pit dewatering and surface run-off and to require best management practices for storm water run-off.
Does this facility meet these requirements? (please check one) YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
Please provide a brief description of the facility operation that results in the discharge. You may attach additional sheets.
<b>This facility is an underground mine with surface facilities. Stormwater is collected, and passed through sediment treatment structures designed by professional engineers to detain a 10year-24hour storm event.</b>

VI. OUTFALL INFORMATION: Please fill out the following information FOR ALL OUTFALLS											
a. IDEM OUTFALL NO.	b. DNR BASIN NO	c. LATITUDE			d. LONGITUDE			e. DWBF*	f. MINE DRAINAGE STATUS	g. Is this discharge to a STORM SEWER	h. Name of RECEIVING WATER <u>OR if g is</u> <u>YES</u> name of OPERATOR OF MUNICIPAL STORM SEWER, AND WATER IT DISCHARGES TO
		deg	min	sec.	deg	min	sec.				
See Attachment VI										Y / N	
										Y / N	
										Y / N	
										Y / N	
										Y / N	

\* DWBF -- Dry Weather Base Flow

**VII. OUTFALL INFORMATION FOR MODIFICATIONS:** Please provide the following if this is a request to ADD, DELETE, or CHANGE MINE DRAINAGE STATUS of one or more outfalls:

a. IDEM OUTFALL NO.	b. DNR BASIN NO.	c. DEL, ADD, or CHANGE	d. DATE OF CHANGE	e. REASON FOR THE CHANGE: EXPLAIN IN DETAIL AND ATTACH CONFIRMING DOCUMENTATION IN THE FORM OF INSPECTORS REPORTS, LAB DATA, ETC.
001	001	CHANGE	1/1/2017	The drainage area is reporting to outfall 001 has been reclaimed. Therefore the outfalls mine drainage status is being changed to reclamation.

**VIII. TOPOGRAPHICAL MAP**

A topographical map must be submitted with this application. The map must include the following items:

- (A) the location of the coal mining operation, including contiguous facility property lines, shown clearly and identified by name and by mark;
- (B) the location of each numbered outfall shown clearly and identified by number and by mark;
- (C) the receiving streams and tributaries to them that each outfall discharges to shown clearly and identified by name;
- (D) any existing permanent structures or roads in the area shown clearly and identified by name.

Please see the attached map.

**IX. PROOF OF PUBLICATION**

It is required that a public notice statement be published in a newspaper of largest circulation in the area where the discharge(s) will be occurring. This publication must be in the newspaper for a minimum of one day and must include the following language: (your facility name, address, address of the location of the discharging facility, and the streams receiving the discharge(s)) "is submitting a Notice of Intent letter to notify the Indiana Department of Environmental Management of our intent to comply with the requirement under 327 IAC 15-7 to discharge wastewater associated with the mining of coal, coal processing and/or reclamation activities. Any person aggrieved by this action may appeal in writing to the Environmental Law Judge of the Office of Environmental Adjudication for an adjudicatory hearing on the question of whether this facility should operate under this NPDES general permit rule. An appeal must be postmarked no later than fifteen (15) days from the date of this public notice. Such a written request for an adjudicatory hearing must:

- (A) state the name and address of the person making the request;
- (B) identify the interest of the person making the request;
- (C) identify any persons represented by the person making the request;
- (D) state with particularity the reasons for the request;
- (E) state with particularity the issues proposed for consideration at the hearing; and
- (F) state with particularity the reasons why the NPDES general permit rule should not be available to the discharger identified in this notice.

Any such request shall be mailed or delivered to:  
Office of Environmental Adjudication  
Indiana Government Center – North  
100 North Senate Avenue, Room N501  
Indianapolis, Indiana 46204"

Please attach proof of publication of this statement from the newspaper to the application and submit both together.

The public notice for this area was published with the original notice of intent and subsequent renewals. The outfalls being modified in this NOI are in an area that has previously been public noticed.



**X. POTENTIALLY AFFECTED PERSONS FORM**

Pursuant to IC 4-21.5 it is required that a Potentially Affected Person form be completed and submitted with this application. The form and instructions are attached.

No additional persons are potentially affected by the modification(s) contained herein. The original permit application and subsequent renewal included all potentially affected persons within, and adjacent to the permit area.

**XI. REQUIRED FEES:**

A \$50 application fee is required to be submitted with applications for new permits, permit modifications, and permit renewals in accordance with IC 13-18-20-12. In addition the \$500 annual fee is required to be submitted for NEW APPLICATIONS at the time of submitting the application.

A check payable to IDEM in the amount of \$50.00 is attached to this application.

**XII. NOTIFICATION OF INDIANA DEPARTMENT OF NATURAL RESOURCES**

It is required in all circumstances that a copy of this application is sent to the Indiana Department of Natural Resources (IDNR) Division of Reclamation in Jasonville, Indiana.

I have forwarded a copy of this application as is required to Mr. Brad Loveless, Indiana Department of Natural Resources, Division of Reclamation, 14619 West State Road 48, Jasonville, IN 47438 on this date.

**XIII. CERTIFICATION STATEMENT**

It is required by 327 IAC 15-4-3(g)(3) that the following statement shall be included in the application. The authorized signatory representative (as defined by 327 IAC 15-5-3(g)(2) and identified in item IIIa above) makes the following certification by signing and dating this section of the application below:

"I certify under penalty of law that this document and all its attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Jeffrey Olyphant, Authorized Representative

(812) 922-1047

Name and official title (type or print)

Area Code and phone No.

Signature

Date signed

Submit completed form and attachments to the following address:

**Indiana Department of Environmental Management  
Office of Water Quality – Mail Code 65-42  
NPDES Permits Section  
100 North Senate Avenue  
Indianapolis, Indiana 46204-2251**

## Attachment VI

**VI. OUTFALL INFORMATION:** Please fill out the following information FOR ALL OUTFALLS

a. IDEM OUTFALL NO.	b. DNR BASIN NO.	c. LATITUDE			d. LONGITUDE			e. DWBF*	f. MINE DRAINAGE STATUS	g. Is this discharge to a STORM SEWER	h. Name of RECEIVING WATER <u>OR if it is</u> <u>YES</u> name of OPERATOR OF MUNICIPAL STORM SEWER, AND WATER IT DISCHARGES TO
		deg	min	sec.	deg	min	sec.				
001	001	38°	35'	46.3"	87°	25'	08.1"	0	Reclamation	No	Unnamed Tributary of Upper River Deshee
004	R-3	38°	36'	38"	87°	24'	33"	0	Alkaline	No	Unnamed Tributary of Upper River Deshee
005	005	38°	36'	51.7"	87°	24'	33.7"	0	Dropped	No	Unnamed Tributary of Upper River Deshee
006	002A	38°	36'	25"	87°	25'	10"	0	Alkaline	No	Unnamed Tributary of Upper River Deshee
007	002D	38°	36'	04.2"	87°	25'	07.4"	0	Alkaline	No	Unnamed Tributary of Upper River Deshee

\*DWBF – Dry Weather Base Flow

## COMPLIANCE INSPECTION REPORT

Page 2 of 2

Permittee: Peabody Midwest Mining, LLC  
 Mine: Hart Street South Portal (Monroe City Mine)  
 Signature of Company Representative: NCOS  
 Unit#: 339  
 Date of Inspection: 10/11/2016  
 Time: 10:00

## COMMENTS:

This **Partial Inspection** was conducted after checking in with mine security.

1)15)	Permitted Acres:	U-016	Acres Held	
	Solar Sources Transfer	843.60	Phase I (grading):	424.00
	U-016-2:	98.00	Phase II (reveg):	424.00
	Bonded Acres:	424.00	Phase III (final):	424.00
			Grading Deferral:	0.00

On August 11, 2016, a bond release inspection was conducted. The R-400 was routed for signature on 10/12/2016.

REQUESTED TYPE	ACRES REQUESTED	ACRES RECOMMENDED
Phase I (60%)	289.9	279.8
Phase II (25%)	252.4	236.2
Phase III (15%)	72.3	72.3

3) Effective September 5, 2012, the Air Quality Mine ceased production due to weak market conditions.

4)5)6) Reclamation of the main haul road (SW side of Hart St.) is complete. Refuse pile grading and soil replacement is ongoing. The initial placement of TENSAR stabilizing geogrid on dry slurry has been completed and is currently under evaluation.

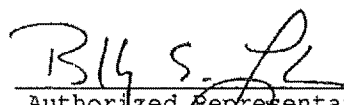
Maintenance mowing of incidental areas and access to outfalls was recently completed.

8) Surface water drainage is controlled by vegetation, diversions and sediment basins.

A copy of the permittees NPDES permit renewal approval letter was received on 1/19/2016. No changes to the status of outfalls was made.

Reclamation within the watershed of basin SB 001 is complete. Consequently, this outfall qualifies for a status change from "active-alkaline" to "reclamation" and reduced monitoring frequency.

Signature:

  
 Authorized Representative  
 Division of Reclamation

Date: October 13, 2016

